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THE ANGLO-EGYPTIAN TREATY OF 1936

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DEPARTMENT OF STATE

Division of Research for Near East, South Asia, and Africa
OFFICE OF INTELLIGENCE RESEARCH

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THE ANGLO-EGYPTIAN TREATY OF 1936

I. BACKGROUND

On December 18, 1914, Great Britain declared Egypt to be a British Protectorate, formalizing a situation which had existed in fact since the occupation in 1882, of Egypt (then under the suzerainty of the Ottoman Empire) by British military forces. As a result of the growth of Egyptian nationalism during and after World War I, Great Britain on February 28, 1922, declared Egypt to be an independent, sovereign state but preserved the status quo with respect to the security of British Empire communications in Egypt, the defence of Egypt, the protection of foreigners in Egypt, and the Sudan. The Anglo-Egyptian Treaty of Alliance of August 26, 1936, attempted to reach a settlement of these reserved points consistent with both Egyptian nationalist demands and British strategic requirements.

II. MAJOR PROVISIONS OF THE TREATY

While it formally terminated the British occupation of Egypt, the Treaty of 1936 established an alliance between Egypt and the UK and provided for the continued maintenance of British troops in the vicinity of the Suez Canal. British troops elsewhere in Egypt were to be withdrawn. An article by article summary of the Treaty is placed at the end of this paper. Provisions relating to the defense of the Suez Canal and to the administration of the Sudan are summarized here in more detail.

Defense of the Suez Canal. Under Article 8 and its Annex Egypt authorizes the UK to maintain in the vicinity of the Canal (which is, of course, wholly within Egyptian territory) 10,000 land forces and 400 pilots, together with the necessary administrative and technical personnel. These numbers do not include civilian clerks, artisans, and laborers.

The localities in which these forces are to be maintained are specified as follows: land forces -- in Moascar (near the city of Ismailia) and in a defined area between Fayid and Genefa on the southwest side of Great Bitter Lake (through which the Canal runs); air forces -- within 5 miles of the Port Said-Suez railway from Qantara (a town about 28 miles from the north end of the Canal at Port Said) to the junction of this railway and the Suez-Cairo railway (about 3 miles north of Suez at the southern end of the Canal), together with a westward extension along the Ismailia-Cairo railway to include the RAF station at Abu Sueir (about 8 miles from Ismailia) and its satellite landing grounds (location not specified), together with areas suitable for firing and bombing ranges, which may be east of the Canal. Areas available for training are also defined; these are the area east of the Canal and an area west and south-

west of the Canal toward the Delta and the Nile River. All these localities are subject to the exclusive control of the British authorities. Egypt is required to maintain and permit the British to use airfields and seaplane anchorages at various places in Egyptian territory.

Egypt is required to build and maintain specified roads, bridges, and railways, in order to bring Egypt's communications up to modern strategic requirements, and to build certain accommodations and camps for the British forces.

A separate convention spells out the privileges and immunities to be accorded to the British forces. Its provisions relate to legal jurisdiction, freedom of movement, communications, import and export arrangements, and so on.

Administration of the Sudan. Article II of the Treaty provides that the administration of the Sudan shall be that resulting from the agreement of 1899; that is, the Governor-General (who is appointed by the King of Egypt on the recommendation of the British Government) shall continue to exercise his powers on behalf of both Egypt and the UK. Among these powers is the appointment of officials, who, in the absence of qualified Sudanese, shall be selected from suitable British and Egyptian candidates.

The Treaty evades the basic question of Egypt's claims to the Sudan by providing that "nothing in this article prejudices the question of sovereignty over the Sudan." In addition, by stating that the parties to the Treaty agree that their primary aim must be the welfare of the Sudanese, the Treaty introduces a troublesome ambiguity, since the two parties hold opposing views as to what constitutes welfare for the Sudanese.

III. IMPLEMENTATION OF THE TREATY[1]

Defense of the Suez Canal. The number of British ground forces in the Suez Canal area as of August 1, 1951 was 28,500 (11,000 combat and 17,500 service troops). Total personnel of the RAF in Egypt as of June 1951 was 9,410; of these 504 officers and men were engaged in flying duties.

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1. It is not possible at this time to supply information on the implementation and observance of all of the many detailed provisions which are included in the Treaty proper (especially the

The British ground forces are located primarily at Ferry Point (headquarters) and Fayid, both located on the west side of Great Bitter Lake, and at Moascar. There were four air bases in operation as of July 1951: at Shallufa (near the Canal about 5 miles north of Suez), Deversoir (at the north end of Great Bitter Lake), Kabrit (on Little Bitter Lake), and Fayid. During the past year there has been an increase in the strength of the air forces.

In 1950 about 48,000 Egyptian workers were employed by the British forces.

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footnote, continued

Annex to Article 8 with its specifications on construction of accommodations and communications facilities), the Agreed Minute interpreting certain provisions, the Exchange of Notes forming part of the Treaty, and likewise containing interpretations, and the Convention on Immunities and Privileges concluded at the same time. For example, information on Egyptian transportation facilities indicates that Egypt has not met certain specifications listed in the Annex to Article 8; however, apparently no completion date was set, and also, although information is not presently at hand, it seems not improbable that such details of the Treaty as these were given further consideration by the parties in the years following the conclusion of the Treaty in 1936. As another example, details are not available as to whether the provisions of the Convention of Immunities and Privileges have always in all respects been observed to the satisfaction of both parties. Charges by Egypt that Britain has failed to implement or to observe certain Treaty provisions have apparently been infrequent and have not reached serious proportions; even charges that the British forces in the Canal area exceed the specified number have not been pressed. As far as Egyptian obligations are concerned, Britain has apparently been generally satisfied with Egypt's observance of the Treaty.

Administration of the Sudan. The question of the implementation of this portion of the Treaty is academic, since Article 11 of the Treaty settled none of the outstanding issues pertaining to the Sudan. These issues are larger even than the question of the implementation of the 1899 agreement (which the 1936 Treaty reaffirms), although the discrepancy is recognized between the provisions of the 1899 agreement for joint British and Egyptian administration and the exclusively British character, in practice, of the Governor-General's rule. In the application of the 1899 agreement, two sets of inequalities had in fact developed: while Egyptian financial contributions to the defense, administration, and development of the Sudan were larger than the British contributions, the administrative functions as well as the highest offices were assumed by the British.

IV. NEGOTIATIONS FOR REVISION OF THE TREATY, 1946

At the request of the Egyptian Government, negotiations for revision of the 1936 Treaty were begun early in 1946. In October 1946 Egyptian Prime Minister Sidqi Pasha and British Foreign Secretary Bevin reached substantial agreement on terms for settling three main issues. Documents setting forth these agreements were to be recommended to the respective governments.

Terms of a New Anglo-Egyptian Alliance. A draft treaty to replace the 1936 Treaty was agreed upon ad referendum. The essential provisions were: 1) in case of armed aggression against Egypt or in case the UK became involved in war as a result of armed aggression against countries adjacent to Egypt, the two parties would consult together and act in close cooperation as necessary until the UN Security Council had taken the necessary measures to reestablish peace; 2) a Joint Board of Defense would be established to study problems concerning mutual defense of the parties and to advise on measures to be taken. The Board could, if necessary, study the broader military aspects of the international scene -- in particular of events threatening the security of the Middle East -- and make suitable recommendations.

Evacuation of British Troops. A draft protocol provided for evacuation of British forces[1] from Cairo, Alexandria, and the Delta

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1. As a result of the war, numbers of British forces and installations were, of course, far in excess of those authorized in the Treaty for the defense of the Canal and were located in many parts of Egypt proper as well as in the Canal area.

by March 31, 1947, and continuous evacuation from the remainder of the country, such that complete evacuation of British forces from Egypt (including the Canal Zone) would be effected by September 1, 1949.

Future Administrative Status of the Sudan. A draft protocol provided that with respect to the Sudan the policy of the two parties "within the framework of the unity between the Sudan and Egypt under the common Crown of Egypt" would have for its aims "the well-being of the Sudanese, the development of their interests and their active preparation for self-government and consequently the exercise of the right to choose the future status of the Sudan." Until such time as the parties could "in full common agreement realize this latter objective after consultation with the Sudanese" the agreement of 1899 and Article II of the 1936 Treaty were to remain in effect.

Conflict over the interpretation of the Sudan protocol eventually led to the refusal of the Egyptian Government to accept the terms of the Bevin-Sidqi draft agreements, and the decision of the Egyptian Government to lay the Anglo-Egyptian question before the UN Security Council. Meanwhile, British forces were gradually moved to the Suez Canal area, so that by March 31, 1947, Cairo, Alexandria, and the Delta had been evacuated.

V. UN SECURITY COUNCIL ACTION, 1947

In July and August 1947 the Security Council discussed the Egyptian request that the Council, under Articles 35 and 37 of the UN Charter, direct the immediate and total evacuation of British troops from Egypt and the Sudan and the termination of the present administrative regime in the Sudan. The Security Council was unable to secure agreement on a resolution recommending resumption of direct negotiations and failed to adopt any other proposals. Consequently, the Egyptian question was retained on the Council's agenda, with provision for its reconsideration at the request of any member of the Council or either of the two parties involved.

VI. RECENT NEGOTIATIONS

General. Negotiations between Egypt and the UK were resumed in 1949 and continued in 1950 and 1951. The British aim has been to get the Egyptians first to agree to certain arrangements for joint defense in case of war, with the understanding that once this had been agreed upon the UK could discuss the possibility of evacuation of British forces from the Suez Canal zone, provided that Egypt would

guarantee that certain facilities might be maintained and regular consultations with the British would be held in time of peace.

Egypt's position has been that the British must first agree to evacuate by a certain date (periods of 18 months and of 2 years were reported at different times), after which Egypt will discuss arrangements for defense in time of war. However, joint defense arrangements in time of peace are apparently unacceptable.

Apparently no progress was made on an acceptable formula regarding the Sudan, although this subject was discussed during later stages of the negotiations.

British Proposals of April 1951. In April the British made the following proposals: 1) gradual evacuation of all British army personnel except anti-aircraft gunners, beginning after an agreement revising the Treaty had been concluded and ending in 1956, but with Egypt to permit the return of British forces in case of war or international emergency; 2) retention of bases under British ownership with a long-term lease of the land; 3) establishment of a joint Anglo-Egyptian control board under which British civilian technicians would operate the bases and Egyptian armed forces would guard them; 4) creation of a joint air defense organization which would remain active after 1956; and 5) provision of arms and equipment for the Egyptian forces, at first on a training basis and later on a basis of equal priority with other countries receiving arms from the British. The Sudan question was to be discussed separately.

The Egyptian Government rejected these proposals, reiterating demands for immediate evacuation by the British from the Canal Zone and the Sudan. Later discussions, which included the Sudan question, made no substantial progress, with the result that Egypt now considers that the negotiations have terminated.

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SUMMARY OF THE ANGLO-EGYPTIAN TREATY OF ALLIANCE OF AUGUST 26, 1936

Article 1. The British Occupation
The British military occupation of Egypt is terminated.

2. Diplomatic relations
Egypt and the UK will exchange ambassadors.

3. League membership
The UK will support Egypt's application for membership in the League of Nations.

4. Anglo-Egyptian alliance
An Alliance is established between Egypt and the UK.

5. Fundamental nature of alliance
Neither party will adopt an attitude inconsistent with the alliance nor conclude treaties inconsistent with it.

6. Disputes with third states
In case of serious dispute with a third state, Egypt and the UK will consult each other.

7. Obligations in war or emergency
Should either Egypt or the UK become engaged in war, the other will come to its aid. Egypt's aid in case of war, imminent menace of war, or apprehended international emergency will consist of providing facilities, and full assistance, including the use of ports, airfields, and means of communication and the establishment of martial law and censorship.

8. British Forces near Suez Canal
Egypt authorizes the UK to station forces in the Suez Canal Zone. After 20 years the question of whether British forces are necessary to ensure the security of the Canal may be submitted to the Council of the League of Nations.

Annex UK forces in the Canal Zone shall not exceed 10,000 land forces and 400 pilots. Egypt will build and pay for certain specified strategic roads and railroads and new accommodations and camps for the British in the Canal Zone. Egypt will permit the RAF to fly anywhere for training purposes.

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Article 9. British immunities
The immunities and privileges of British forces in Egypt will be determined in a separate convention. (This convention was concluded at the same time as the Treaty.)

10. League Covenant and Kellogg Pact
Nothing in this treaty shall prejudice the two parties' rights and obligations under the League Covenant and the Kellogg Pact.

11. The Sudan
The administration of the Sudan shall continue to be that resulting from the agreements of 1899, i.e. the Governor-General shall continue to exercise his powers on behalf of both Egypt and the UK.

Annex International conventions shall apply to the Sudan only by consent of both Egypt and the UK.

Article 12. Foreigners in Egypt
The UK recognises Egypt's full responsibility for the lives and property of foreigners.

13. Abolition of capitulations
The UK recognises that the capitulations in Egypt are an anachronism.

Annex The UK will assist Egypt in the speedy elimination of the capitulatory regime.

Article 14. Overriding nature of alliance
This treaty abrogates any existing agreements which are inconsistent with it.

15. Interpretation of treaty
Differences of interpretation shall be dealt with in accordance with the League Covenant.

16. Revision of treaty
After 20 years the two parties will at the request of either one negotiate with a view to revision, and disagreements will be submitted to the Council of the League of Nations, or to some other agreed person or persons. If both parties consent, revision may be discussed after 10 years, but any revision will provide for continuation of the alliance.

17. Ratification.
The treaty will come into force upon the exchange of ratifications at Cairo. (Ratifications were exchanged in Cairo December 22, 1936.)